



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Randel Perry, Project Manager

Public Notice Date: December 13, 2005
Expiration Date: January 13, 2006
Reference: 200501157
Name: Sacks Industrial Corp.

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT – Sacks Industrial Corporation
1975 McLean Drive
Vancouver, British Columbia
Canada V5N 3J7
ATTN: Mr. Abe Sacks
Telephone: (604) 251-8981

LOCATION – In wetlands adjacent to an unnamed tributary of Tennant Creek at Ferndale, Whatcom County, Washington.

WORK – Place fill into 3.39 acres of palustrine emergent wetlands for construction of a manufacturing plant and attendant facilities including new rail spur.

PURPOSE – Provide satellite facility in the Ferndale area to supply U. S. market of existing construction material manufacturer.

ADDITIONAL INFORMATION – Approximately 0.66 of an acre of wetlands previously determined to be isolated and outside Corps' jurisdiction will be filled in addition to the fill stated above.

MITIGATION – Applicant proposes to create 4.75 acres and preserve 4.34 acres of wetlands on-site; enhance 4.07 acres of upland buffers.

ENDANGERED SPECIES – The Endangered Species Act of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*) listed threatened; marbled murrelet (*Brachyramphus marmoratus*), listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*) listed threatened; Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) listed threatened; may occur in the proposed project area. Listed critical habitat for bull trout and chinook salmon may occur in the project vicinity. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to these species.

ESSENTIAL FISH HABITAT – The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency,

that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, and coastal pelagic species occurs downstream of the project area.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The Corps has no record of historic and/or cultural resource sites in the permit area.

The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

200501157, Sacks Industrial Corp.

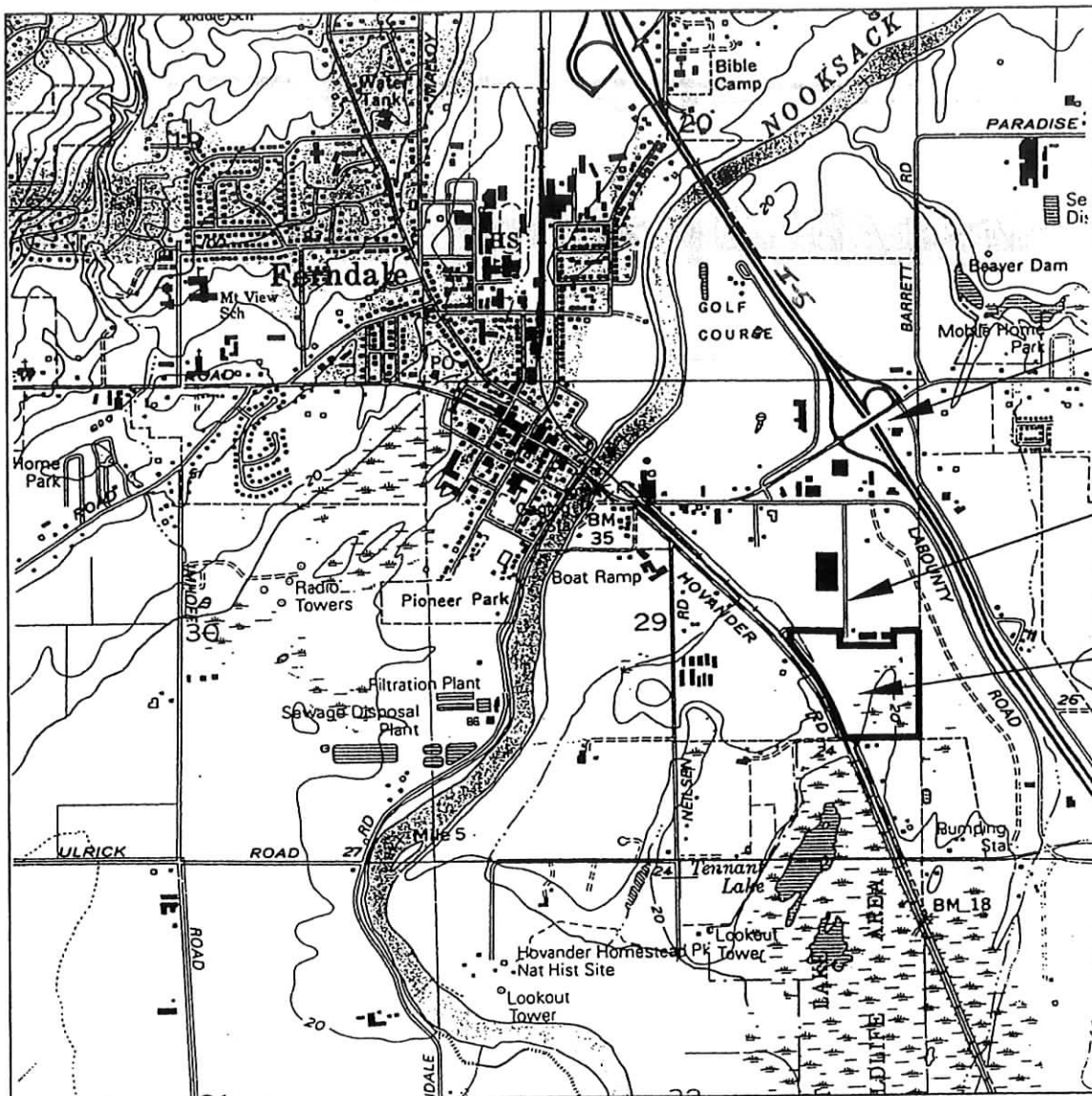
ADDITIONAL EVALUATION – The State of Washington is reviewing this work for compliance with the applicable State and Federal water quality standards pursuant to Section 401 and Section 402 of the Clean Water Act.

The City of Ferndale is the local government entity implementing Shoreline Management Act (SMA) regulation in the project vicinity. The applicant has stated that the project is outside of SMA jurisdiction.

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Randel.J.Perry@nws02.usace.army.mil. Conventional mail comments should be sent ATTN: Randel Perry, Project Manager, Regulatory Branch. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Sacks Industrial Corp.
200501157

Encl
Drawings (9)



Exit 262

SITE
ACCESS

SITE

DIRECTIONS FROM SEATTLE: Take I-5 north to exit 262. Turn left off ramp at stoplight. Turn left at first intersection. Go right on Nordic Way to southern terminus.

Latitude: N 67 degrees, 60', 00" Longitude: E 122 degrees, 05', 00"

Scale: 1" = 2000'

0 2000'

Vicinity Map Corps Ref # 200501157

PURPOSE: Construct manufacturing plant

DATUM:

JOB ADDRESS: S. Terminus of Nordic Way, Ferndale

APPLICATION BY: Sacks Industrial Corp.

MAILING ADDRESS: 1975 McLean Dr. Vancouver,
BC V5N 3J7 CANADA

ACTION: Place fill in wetlands

IN: Wetlands draining to tributary to Tennant Creek

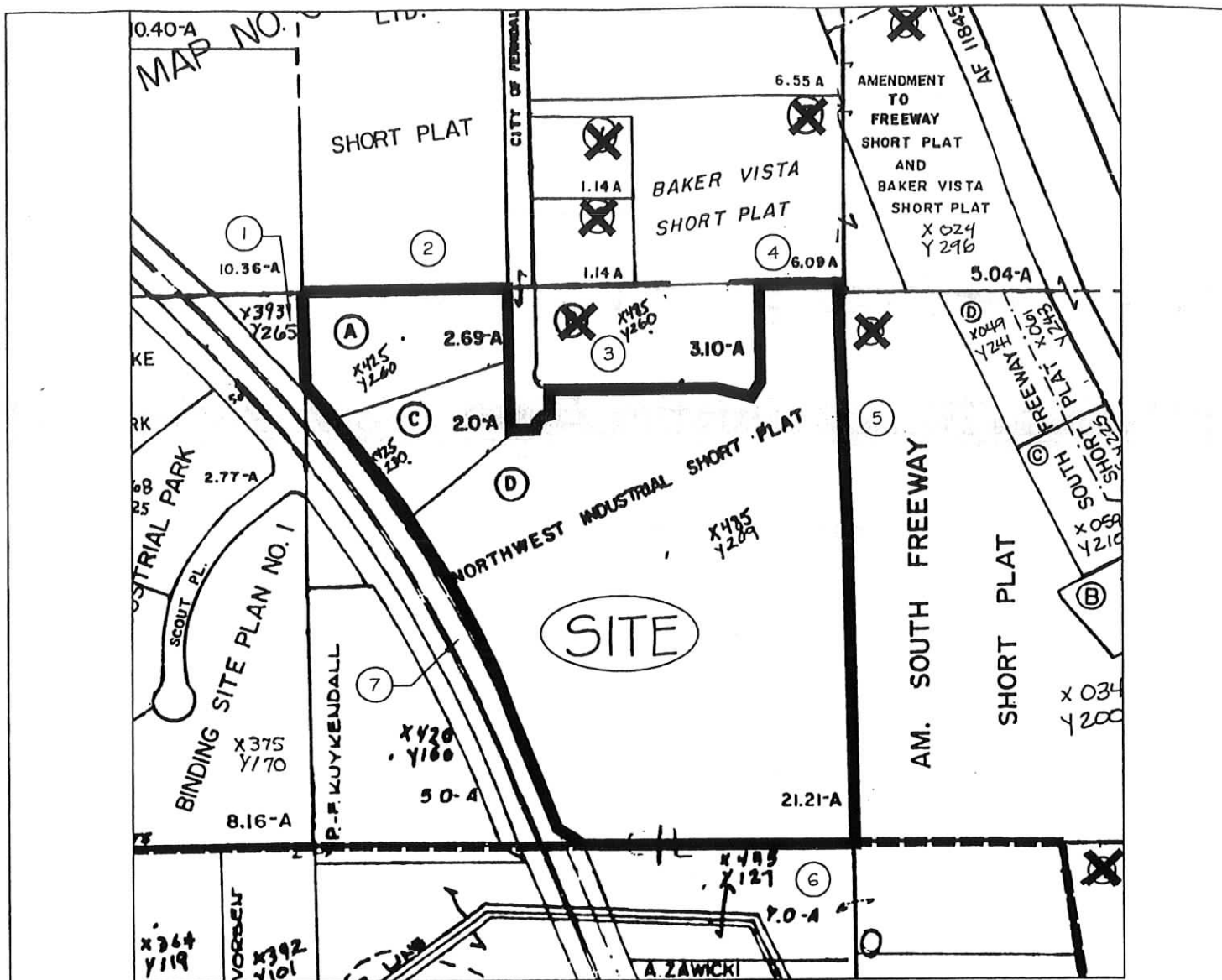
AT: Section 29, Township 39N, Range 2E W.M.

COUNTY: Whatcom

LOCAL JURISDICTION: City of Ferndale

STATE: Washington

SHEET: 1 of 9 DATE: Sept 27, 05



① Phyllis R. Barr
Joanne Nolan
Merril Nolan
P.O. Box 1002
Ferndale, WA 98248

③ American Powerpole Corp.
5500 Nordic Way
Ferndale, WA 98248

⑤ Cranmay Holdings Ltd.
5551 No. 8 Road
Richmond BC V6V 1S4
CANADA

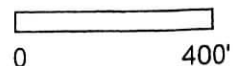
② Sauder Wood Products Inc.
5575 Nordic Way
Ferndale, WA 98248

④ Sawarne Lumber Co. Inc.
12900 Mitchell Road
Richmond, BC V6V 1M8
CANADA

⑥ Kevin & Joanne Hunt
5394 Hovander Road
Ferndale, WA 98248

⑦ BNSF Railway Co.

Scale: 1" = 400'



Corps Ref # 200501157

Adjacent Property Owners Map

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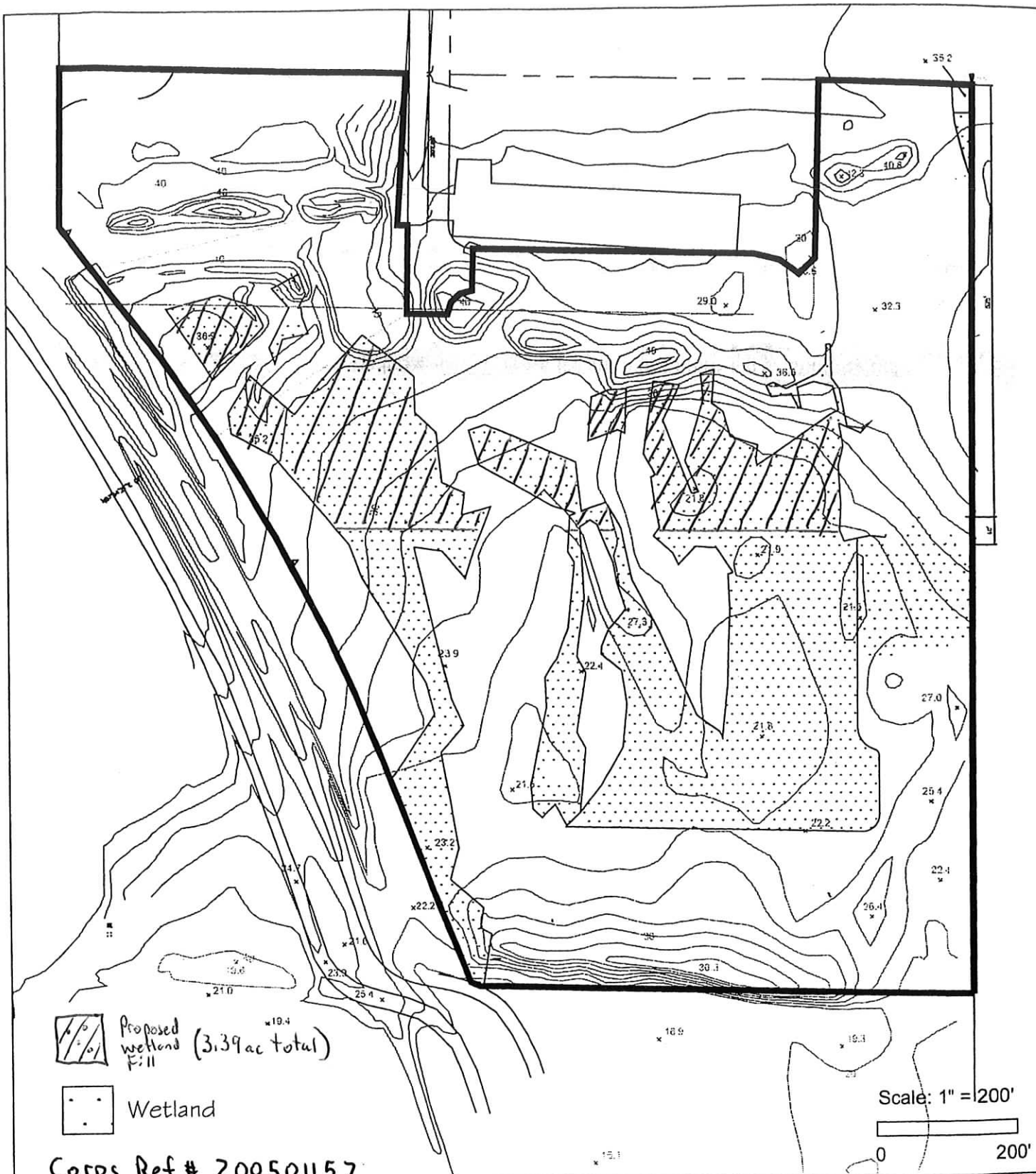
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SHEET: 2 of 9 DATE: Sept 27, 05

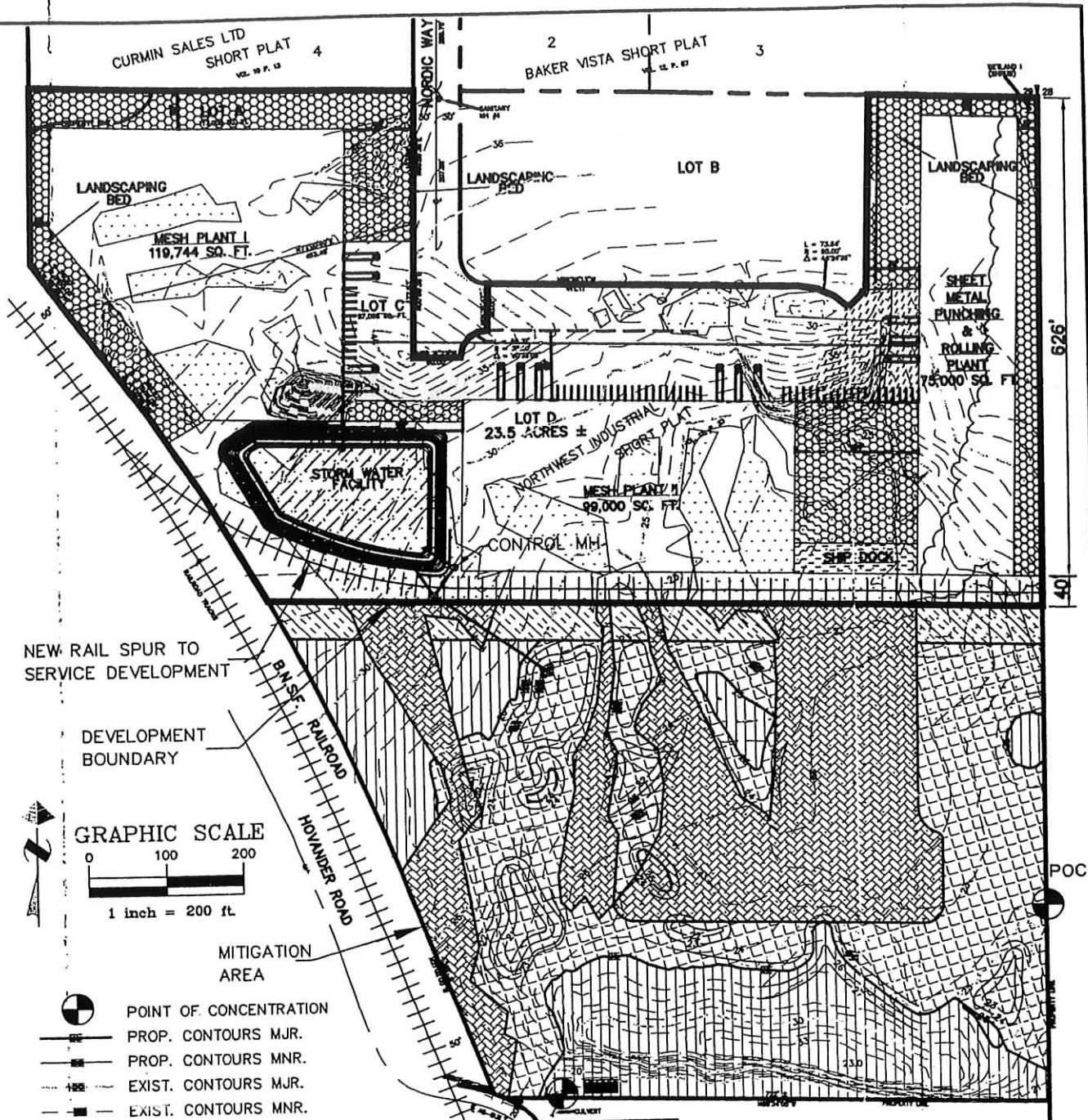


Corps Ref # 200501157

Plan View/Wetlands and Contours

PURPOSE: Construct manufacturing plant
 DATUM: NGVD 1929
 JOB ADDRESS: S. Terminus of Nordic Way, Ferndale
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 SHEET: 3 of 9 DATE: Sept 27, 05



AREA CALCULATIONS

WETLANDS INCORPORATED/PRESERVED	189,087 SQ. FT. (4.34 AC.)	
WETLANDS CREATED FROM UPLANDS	206,732 SQ. FT. (4.75 AC.)	
TOTAL WETLAND AREA	395,819 SQ. FT. (9.09 AC.)	
UPLANDS IN 50' BUFFER	29,635 SQ. FT. (0.68 AC.)	
ENHANCED UPLANDS	147,493 SQ. FT. (3.39 AC.)	
TOTAL UPLAND AREA	177,128 SQ. FT. (4.07 AC.)	
TOTAL MITIGATION AREA	572,947 SQ. FT. (13.15 AC.)	

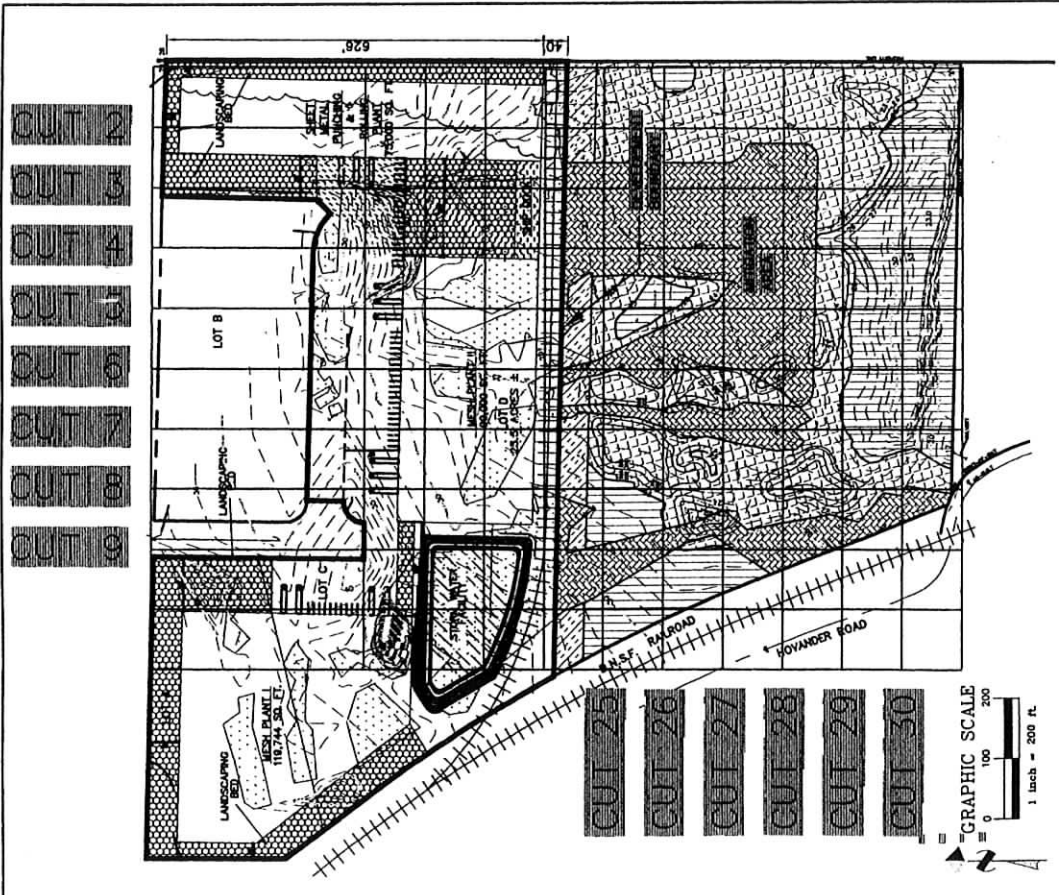
WETLAND RATIOS

WETLANDS CREATED/ WETLANDS FILLED	1.4 : 1
WETLANDS COMPLEX PRESERVED/ WETLANDS FILLED	4.1 : 1

Site Plan W / Mitigation Corps Ref # 200501157

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AT: Section 29, Township 39N, Range 2E W.M.
COUNTY: Whatcom
LOCAL JURISDICTION: City of Ferndale
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SHEET: 4 of 9 **DATE:** Sept 27, 05



Plan View/Cut Sections

PURPOSE: Construct manufacturing plant

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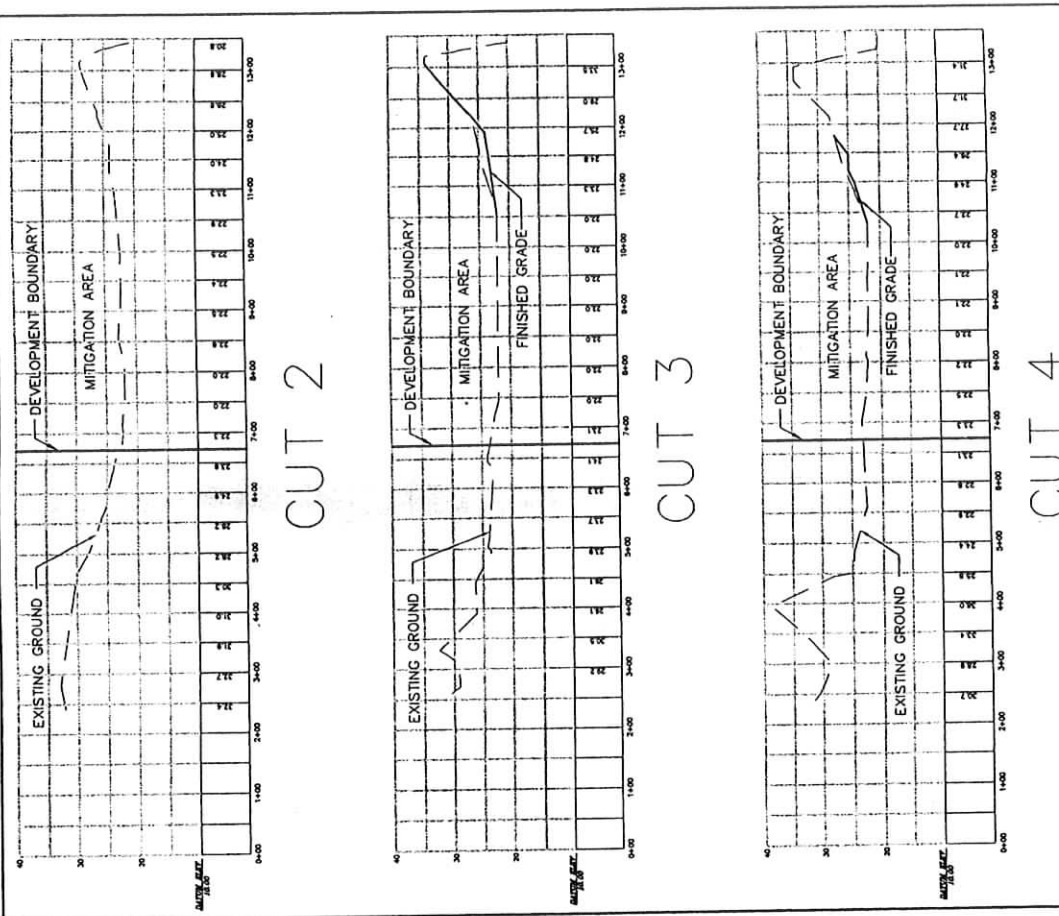
AT: Section 29, Township 39N, Range 2E W.M.

COUNTY: Whatcom

LOCAL JURISDICTION: City of Ferndale

STATE: Washington

SHEET: 5 of 9 DATE: Sept 27, 05



Cut Sections Corps Ref # 200501157

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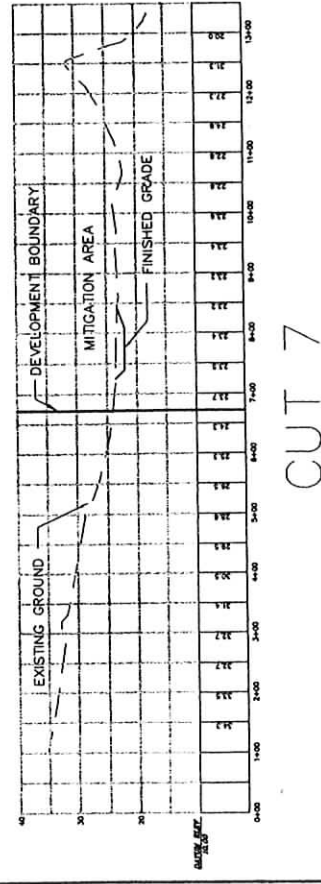
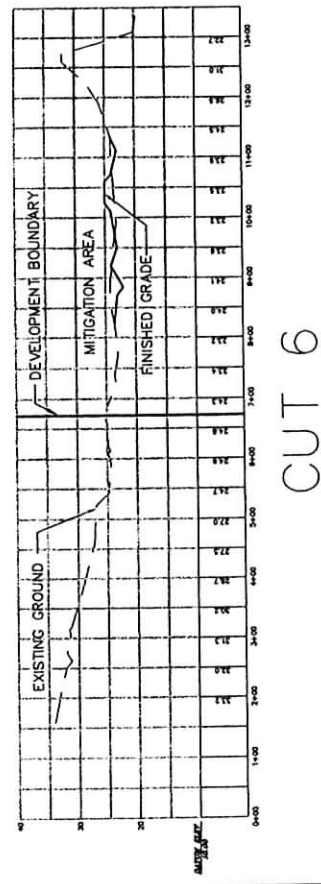
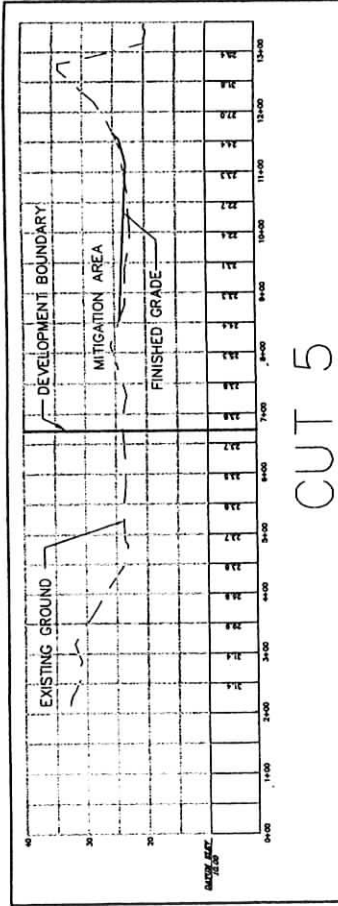
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Cut Sections

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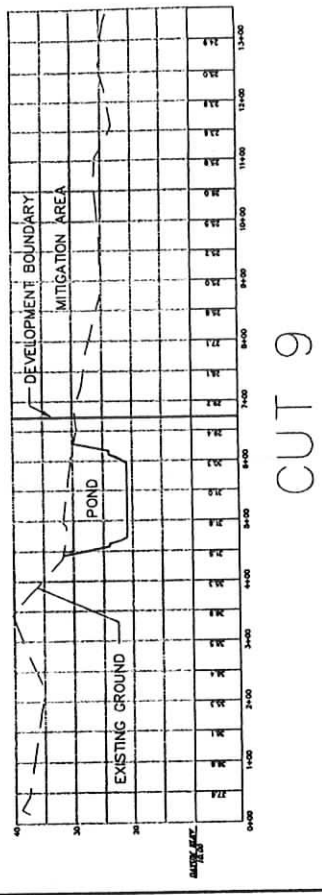
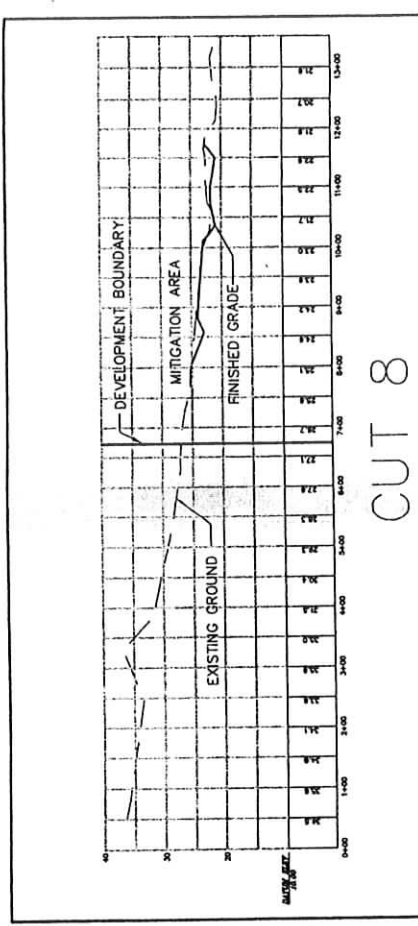
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SHEET: 11 of 21 DATE: Sept 27, 05



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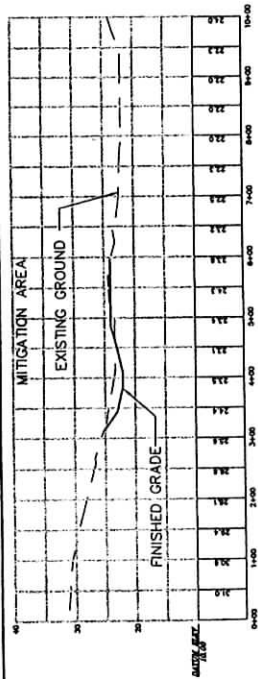
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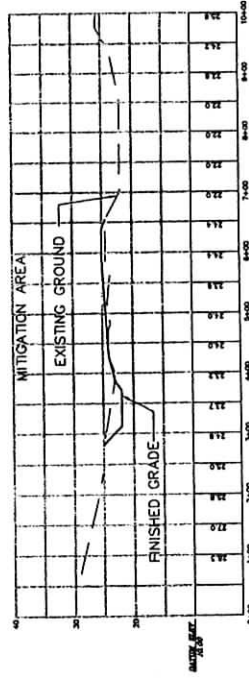
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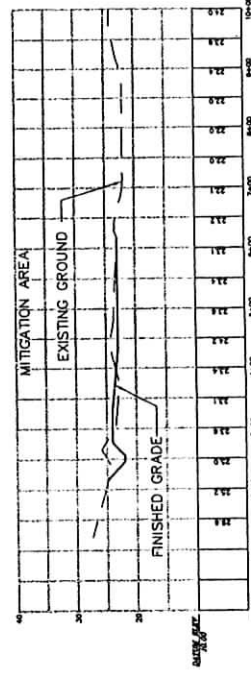
SHEET: 16 of 21 DATE: Sept 27, 05



CUT 25



CUT 26

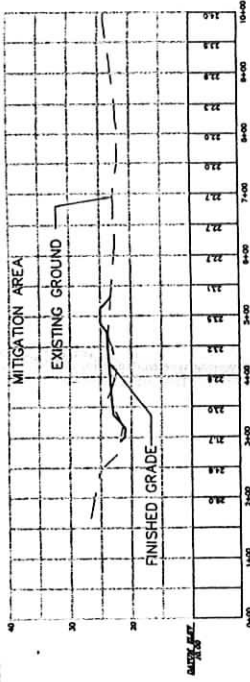


CUT 27

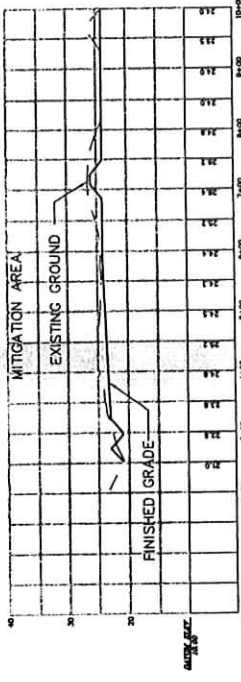
Cut Sections

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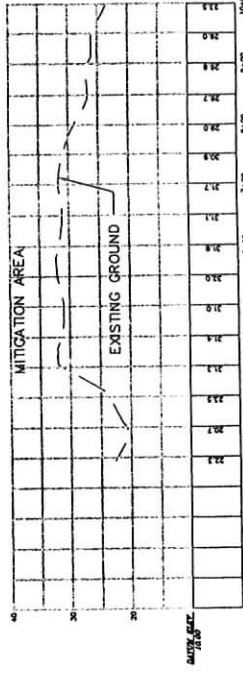
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 COUNTY: Whatcom
 LOCAL JURISDICTION: City of Ferndale
 STATE: Washington
 SHEET: ~~189~~ of ~~190~~ DATE: ~~Sept 27, 05~~



CUT 28



CUT 29

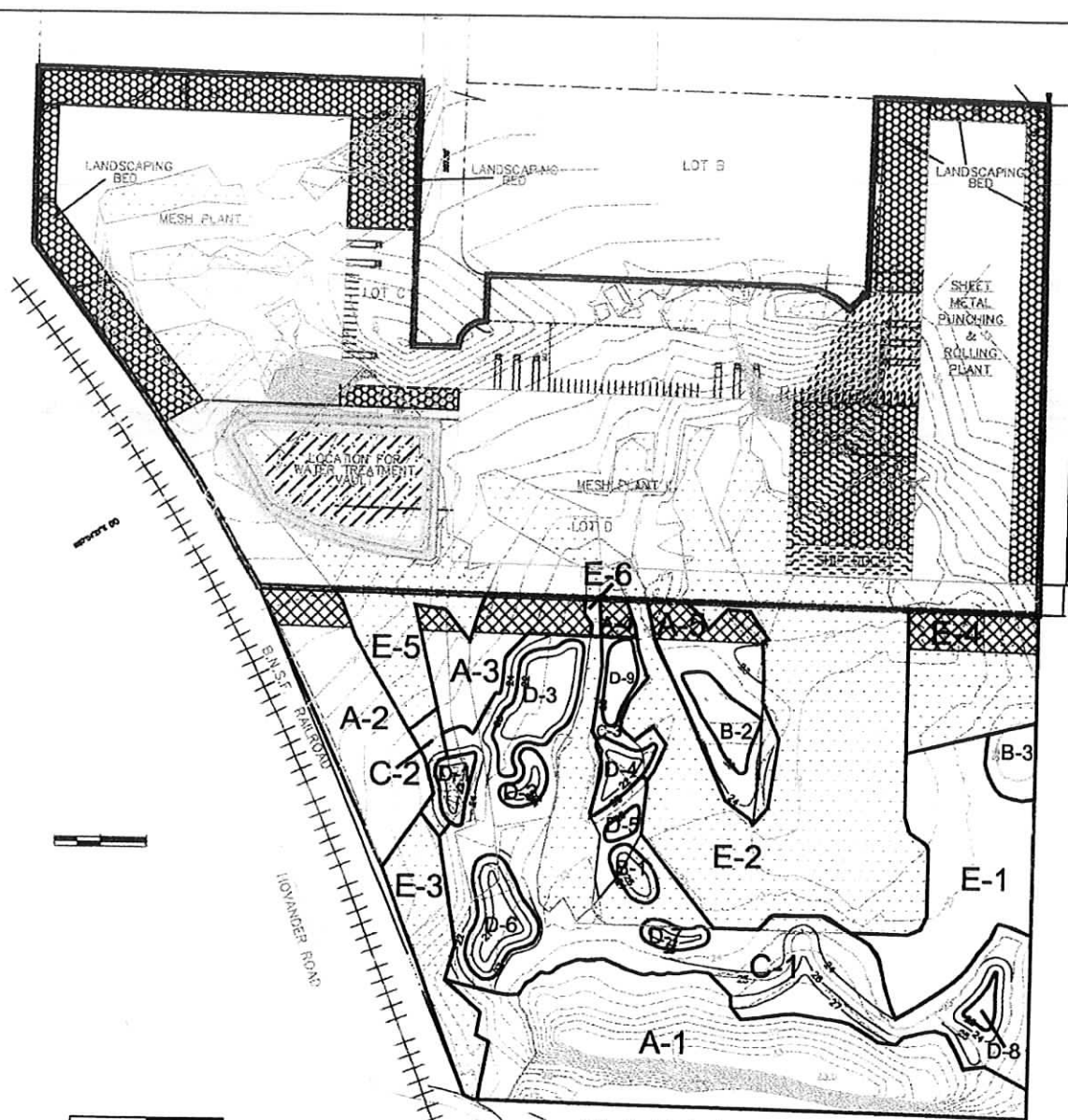


CUT 30

Cut Sections

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NOTE: THE FEATURES LOCATED ON THIS DRAWING HAVE BEEN MEASURED IN REFERENCE TO READILY VISIBLE LANDMARKS. THE PROPERTY BOUNDARIES SHOWN ON THIS DRAWING ARE APPROXIMATE ONLY AND ARE NOT INTENDED TO CONSTITUTE A LEGAL LAND SURVEY.

Mitigation Planting Areas

A - Upland Enhancement Plantings: Undisturbed Areas (169,705 Square Feet).
 B - Upland Enhancement Plantings: Disturbed Areas (14,775 Square Feet).
 C - Mesic Wetland Plantings: Disturbed Areas (124,647 Square Feet).
 D - Aquatic Wetland Creation Plantings: Disturbed Areas (40,566 Square Feet).
 E - Mesic to Aquatic Wetland Enhancement Plantings: Undisturbed Areas (222,306 Square Feet).

~~August 12, 2005~~

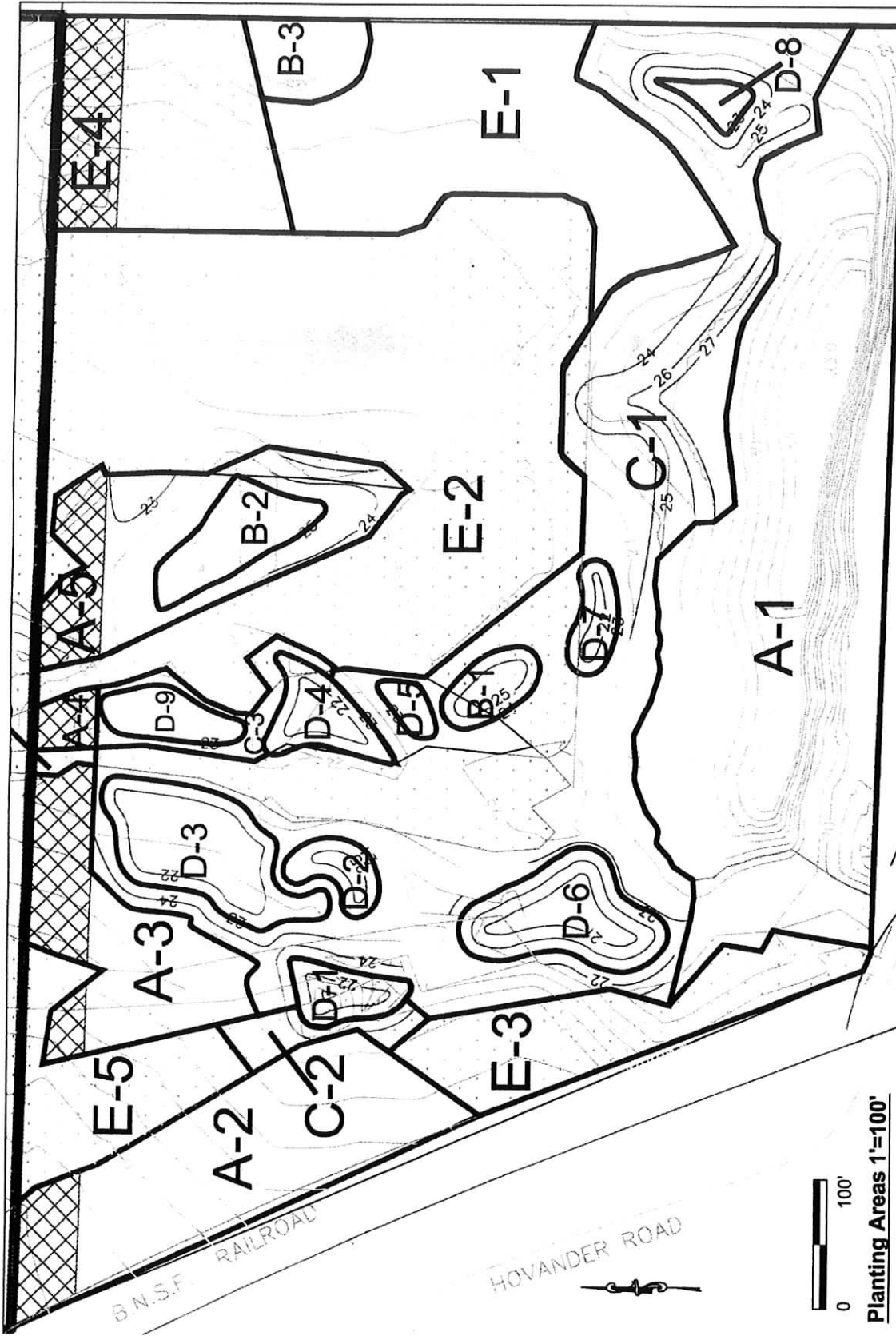
CAI Cantrell
 & Associates, Inc.

Mitigation Planting Areas: 1=200'

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 LOCAL JURISDICTION: City of Ferndale
 STATE: Washington
 SHEET: 8 of 9 DATE: 9/27/05

Corps Ref # 200501157





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: December 13, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200501157 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600